

**41-3-702. Civil penalty for violation.**

(1) The following are civil violations under this chapter and are in addition to criminal violations under this chapter:

- (a) Level I:
    - (i) failing to display business license;
    - (ii) failing to surrender license of salesperson because of termination, suspension, or revocation;
    - (iii) failing to maintain a separation from nonrelated motor vehicle businesses at licensed locations;
    - (iv) issuing a temporary permit improperly;
    - (v) failing to maintain records;
    - (vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without licensing the motor vehicle;
    - (vii) special plate violation; and
    - (viii) failing to maintain a sign at a principal place of business.
  - (b) Level II:
    - (i) failing to report sale;
    - (ii) dismantling without a permit;
    - (iii) manufacturing without meeting construction or vehicle identification number standards;
    - (iv) withholding customer license plates; or
    - (v) selling a motor vehicle on consecutive days of Saturday and Sunday.
  - (c) Level III:
    - (i) operating without a principal place of business;
    - (ii) selling a new motor vehicle without holding the franchise;
    - (iii) crushing a motor vehicle without proper evidence of ownership;
    - (iv) selling from an unlicensed location;
    - (v) altering a temporary permit;
    - (vi) refusal to furnish copies of records;
    - (vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;
    - (viii) advertising violation;
    - (ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act;
    - (x) encouraging or conspiring with unlicensed persons to solicit for prospective purchasers; and
    - (xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or outboard motor in violation of Section 41-1a-705.
- (2) (a) The schedule of civil penalties for violations of Subsection (1) is:
- (i) Level I: \$25 for the first offense, \$100 for the second offense, and \$250 for the third and subsequent offenses;
  - (ii) Level II: \$100 for the first offense, \$250 for the second offense, and \$1,000 for the third and subsequent offenses; and
  - (iii) Level III: \$250 for the first offense, \$1,000 for the second offense, and \$5,000 for the third and subsequent offenses.
- (b) When determining under this section if an offense is a second or subsequent offense, only prior offenses committed within the 12 months prior to the commission of

the current offense may be considered.

(3) The following are civil violations in addition to criminal violations under Section 41-1a-1008:

(a) knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without disclosing that the salvage vehicle has been repaired or rebuilt;

(b) knowingly making a false statement on a vehicle damage disclosure statement, as defined in Section 41-1a-1001; or

(c) fraudulently certifying that a damaged motor vehicle is entitled to an unbranded title, as defined in Section 41-1a-1001, when it is not.

(4) The civil penalty for a violation under Subsection (3) is:

(a) not less than \$1,000, or treble the actual damages caused by the person, whichever is greater; and

(b) reasonable attorney fees and costs of the action.

(5) A civil action may be maintained by a purchaser or by the administrator.

Amended by Chapter 379, 2012 General Session

Amended by Chapter 390, 2012 General Session